

### **REMARKS**

This amendment is submitted in response to the Examiner's Action dated April 17, 2003. Applicant has amended the claims herein to more specifically, recite the features of the invention provided within the specification. No new matter has been added, and the amendments place the claims in condition for allowance. Applicant respectfully requests entry of the amendments to the claims. Where arguments are provided below to rebut claim rejections, those arguments are in reference to the claims in their amended form.

### **IN THE DRAWINGS**

Examiner indicates on page 1 that the draftsman has objected to the drawings for containing informalities. Accompanying this amendment are formal drawings, which overcomes the objections of the draftsman. Applicant respectfully requests acknowledgement of Examiner's acceptance of the formal drawings.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

At paragraph 4 of the Office Action, Claims 1-33 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Smith, et al. (U.S. Patent No. 6,006,206). Smith does not render Applicant's invention unpatentable because Smith fails to suggest the subject matter of Applicant's invention as recited in the amended claims.

Applicant has amended the claims herein to recite several features of the invention, which were not previously described within the claims although provided within the specification. The amended claims now clearly describe the implementation of a client-side method and system for updating files that have been downloaded and stored on the client system from a networked server (or other machine) so that the client version of the files are current with those on the server. The claims also clearly describe other functional features related to keeping the files current.

For example, Applicant's independent claim now recites: "replacing at said client, in response to the presence of said newer version of said downloaded file, said downloaded file with said newer version," (emphasis added) to distinguish Applicant's client side application

from the different server-side operations provided by Smith, as further explained below. Also, dependent claims now recite: (1) parameters of the stored file (Claim 5); (2) user selection of a periodic time interval (Claim 7); (3) storing both old versions and current versions of the file (Claim 8); and (4) storing an identifier and a source descriptor of the file in a specially coded file registry, with specific functionality associated therewith (Claim 10), etc. With these features now clearly recited within the claims, one skilled in the art would not agree with Examiner that Smith suggests the claim features.

Examiner's §103 rejection was based on the claims as originally filed and before the present amendments, in which the above features, were added to further distinguish the claims from Smith. Notably, however, even without the current amendments, Applicant respectfully points out that Examiner's rejection is based on a mischaracterization of what is taught by Smith, as explained below.

Smith provides a network level (i.e., not at the client level) data collection system for financial data that includes a status code generator (of a data health monitor, also at the network level), that automatically updates a status code "when the **operating status** of a corresponding data source changes" (emphasis added) (Abstract; see also Figure 5, which clearly illustrates that the source status signal is related to the operation of the source and is at the network level (steps 501–504) prior to sending the data to the client terminal (step 505)). Smith's client side terminal receives the data and "the status codes, which it processes to determine whether there is a problem in the receipt of the financial data, which prevents the terminal's receipt of the data in real time" (Abstract; see also, col. 3, lines 30-37, 40-42). When the data cannot be received in real time because of the problem identified by the status code, a stale display mode is implemented to display a stale copy of the financial data.

It is very clear that the above system described by Smith is inherently different in focus, implementation, and level of application (network vs client, etc.). One skilled in the art would not find the above described system similar to or suggestive of Applicant's system, which is an update mechanism that enables automatic updates of a downloaded file at the client system and

NOT a mechanism for determining when a problem exists at the source of the data and subsequently when to display stale data.

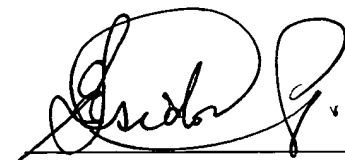
From the above arguments, it is clear that Smith does not contemplate or suggest the various features that are now clearly recited within the claims. For these reasons, one skilled in the art would not find Applicant's invention obvious in light of Smith. The above claims are therefore allowable over Smith.

### CONCLUSION

Applicant has diligently responded to the Office Action by amending the claims to overcome the respective rejections and more clearly recite the features unique to Applicant's invention. Applicant has further explained why the claims are not obvious over Smith. The amendments and arguments overcome the §103 rejection, and Applicant, therefore, respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant respectfully requests the Examiner contact the undersigned attorney of record at (512) 542-2100 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Isidore', is written over a horizontal line.

Eustace P. Isidore

*Registered with Limited Recognition (see attached)*

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**Expires: May 8, 2004**



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Director of Enrollment and Discipline